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EXAMINER
MIS, D

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DATE MAILED:
10/18/90

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THIS IS A COMMUNICATION FROM THE EXAMINER IN CHARGE OF YOUR APPLICATION
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 26 SEP 90 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____.

Part II SUMMARY OF ACTION

1. ☒ Claims 1-14 are pending in the application.

   Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-14 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____. has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application apppears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

PTOL-326 (Rev.9-89)

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-8 are again rejected under 35 U.S.C. § 103 as being unpatentable over Spira et al, Galindo, and Nilssen '318 and '525.

Spira et al disclose a system for supplying power from a power supply to different lamps wherein an inverter is placed in circuit between the power supply and a set of lines that distribute power to the lamps. Spira et al teach in column 5, lines 50-52 that any connection may be used between the inverter and lamps as long as the length is not too long. Galindo discloses a connection means incorporating tracks instead of any sort of wire means, and is cited in the present specification. It would have been obvious for one of ordinary skill in the art to incorporate track means in the circuit disclosed by Spira et

al instead of the wire or line means therein as long as the length of the tracks would not be too long - in accordance with the teachings of both references. Spira et al disclose in column 7, lines 60-61, that any inverter may be used in their circuit 22. It would have been obvious for one of ordinary skill in the art to incorporate an inverter as taught in Nilssen '318 or '525 in a circuit as taught by Spira et al incorporating track means as a functional equivalent for inverter 22 - as is suggested as noted above in Spira et al and as is supported in the Nilssen references which teach circuits functioning as inverters.

The above references together teach that the track means COULD be used in place of the lines of Spira et al, and that track means SHOULD be used in place of line means in general. That is enough for one of ordinary skill in the art to anticipate the combination in spite of the possibility that no one has actually built the combination.

The affidavits only show that not every artisan will necessarily think of building it after looking at the references and thinking of what they are able.

The motivation of one of ordinary skill in the art is to derive the advantages that use of track means is known to provide over using equivalent wire means.

The track means and wire means are equivalent in function. That is, they both conduct electricity from a source to several loads.

Applicant has not proven that the use of lines as taught in Spira et al was necessarily "highly natural" and would have been the only means that anyone would have considered using for such a circuit.

Even if track lighting systems are usually used with only incandescent lamps and not discharge lamps, one of ordinary skill in the art is aware of uncommon usage.

The art teaching the use of track means teaches that as the wires are substituted by tracks, the fixtures are substituted by disconnectable lighting units, thus all codes are conformed with.

The date of the invention of the matter that is new in the present application is the filing date of the present application. The dates that the references were published precede the present filing date. All of the claims 1-8 rely on new matter.

Claims 9-14 are rejected under 35 U.S.C. § 103 as being unpatentable over Spira et al, Galindo, and Nilssen '318 and '525.

The comments made in regard to claims 1-8 are incorporated herein. The incandescent lamps receiving low RMS input voltage and higher than power line input frequency claimed in claims 9-14

when supplied by a circuit combination as described above would in fact receive such input. Such lamps were described in the present specification as having been known as loads supplied by track means, and such lamps are of course also loads used in common wire supply arrangements, and Spira et al teach that incandescent lamps in general may be supplied by the circuit disclosed therein (see column 9, lines 26-34 for example), and so it is clear that one of ordinary skill in the art would have found it to be obvious to provide a supply of power to an incandescent lamp using the teachings of Spira et al with the incorporation of track means, and to provide voltage changing means for a low voltage lamp.

The disclosure is objected to because of the following informalities: On page 3, line 8, --of-- should be inserted before "a". Appropriate correction is required.

Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE

MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication should be directed to Examiner Mis at telephone number (703) 308-0613.

DAVID MIS
EXAMINER
GROUP ART UNIT 252

Mis/EW
October 16, 1990